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Docket Number (Optional)

301-396

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Technology Center 2600

In re Application of: Sainton et al.

Application No.: 09/670,696

Filed: September 28, 2000

For: ADAPTIVE OMNI-MODAL RADIO APPARATUS AND METHODS

The owner, MLR,LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,134,453. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.


8-26-04
 Signature Date

Charles M. Leedom, Jr.

Typed or printed name

703 241 0165

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 11/26/2004 TROBERTS 00000002 09678696

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<p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account No. 19-2380 Deposit Account Name: NIXON PEABODY LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.16 at the Mailing of the Notice of Allowance</p> <p><input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">3. 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140	110	240	55	Petition to revive-unavoidable																																																																																																																																																																																																																																																																																																																																																														
141	1,210	241	605	Petition to revive-unintentional																																																																																																																																																																																																																																																																																																																																																														
142	1,210	242	605	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																																																																																														
143	430	243	215	Design issue fee																																																																																																																																																																																																																																																																																																																																																														
144	580	244	290	Plant issue fee																																																																																																																																																																																																																																																																																																																																																														
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																																																																																														
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																																																																																																																																																																														
126	240	126	240	Submission of IDS																																																																																																																																																																																																																																																																																																																																																														
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																																																																														
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																																																																																																																														
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																																																																																														
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1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee</th> <th>Fee</th> <th>Fee</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>101</td> <td>690</td> <td>201</td> <td>345</td> <td></td> <td>Utility filing fee</td> <td>(690)</td> </tr> <tr> <td>106</td> <td>310</td> <td>206</td> <td>155</td> <td></td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107</td> <td>480</td> <td>207</td> <td>240</td> <td></td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108</td> <td>690</td> <td>208</td> <td>345</td> <td></td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114</td> <td>150</td> <td>214</td> <td>75</td> <td></td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>			Large Entity	Small Entity	Fee	Fee	Fee	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	101	690	201	345		Utility filing fee	(690)	106	310	206	155		Design filing fee		107	480	207	240		Plant filing fee		108	690	208	345		Reissue filing fee		114	150	214	75		Provisional filing fee		SUBTOTAL (1) \$690.00																																																																																																																																																																																																																																																																																																														
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2. EXTRA CLAIM FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> <tr> <td>23</td> <td>20**</td> <td>0</td> <td>X 18 = 354</td> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>3*</td> <td>0</td> <td>X 0 = 0</td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>*or number previously paid, if greater. For Reissues, see below</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee</th> <th>Fee</th> <th>Fee</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>18</td> <td>203</td> <td>9</td> <td></td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>102</td> <td>78</td> <td>202</td> <td>39</td> <td></td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>104</td> <td>200</td> <td>204</td> <td>130</td> <td></td> <td>Multiple dependent claim</td> <td></td> </tr> <tr> <td>106</td> <td>78</td> <td>209</td> <td>39</td> <td></td> <td>*Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>110</td> <td>18</td> <td>210</td> <td>9</td> <td></td> <td>*Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table>			Total Claims	Extra Claims	Fee from Below	Fee Paid	23	20**	0	X 18 = 354	Independent Claims	3*	0	X 0 = 0	Multiple Dependent Claims				Large Entity	Small Entity	Fee	Fee	Fee	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	103	18	203	9		Claims in excess of 20		102	78	202	39		Independent claims in excess of 3		104	200	204	130		Multiple dependent claim		106	78	209	39		*Reissue independent claims over original patent		110	18	210	9		*Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) 354.00																																																																																																																																																																																																																																																																																														
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.